

REMARKS

Claims 25–48 are pending.

Amendments to the Specification

Paragraph [0021] on pages 6–7 of the specification has been amended to include the application numbers of the referenced applications and statuses thereof.

Amendments to the Claims

Claim 25 has been amended to replace “comprises high temperature pre-washed fibers having” with -- has --. Claim 33 has been amended to delete the phrase “been washed under elevated temperature conditions which result in fibers having.” These amendments reflect the original language of claims 25 and 33.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 25–48 stand rejected as unpatentable under 35 U.S.C. § 103(a) over Naji et al. (US 6,030,447) in view of ¶ [0031] and Table 1 of the specification, with or without Wingerson (US 6,419,788). Filed herewith is a Declaration Under 37 C.F.R. 1.131 showing reduction to practice and/or conception coupled with diligence for the subject matter of claims 25–48 before February 29, 2000, the issue date and date of first publication of Naji et al. Section 102(a) of title 35 of the United States Code provides that “A person shall be entitled to a patent unless the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent.” Because the Declaration Under 37 C.F.R. 1.131 establishes that the subject matter of claims 25–48 was reduced to practice and/or conceived and diligently pursued before Naji et al. issued and first published, it does not qualify as prior art under 35 U.S.C. § 102(a).

Consequently, Naji et al. is available as a reference only under 35 U.S.C. § 102(e). On the filing date of the present application, both Naji et al. and the present application were commonly assigned to James Hardie Research Pty. Limited. The face of Naji et al. names James Hardie Research Pty. Limited as the assignee. The current application was assigned by the inventors to James Hardie Research Pty. Limited in an assignment recorded at reel 012231, frame 0758. A copy of the is attached hereto as EXHIBIT 1. Under 35 U.S.C. § 103(c)(1), Naji et al. may not be applied in a rejection of any claims of the present application under 35 U.S.C. § 103(a). Because

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Naji et al. is a reference in every combination cited by the Examiner, Applicants respectfully submit that the rejections of claims 25-48 are overcome.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated:

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